UNITED STATES DISTRICT COURT

for the

Southern Distr	ict of Texas	
Emily Milburn, Individually and a/n/f DLM v. Sergeant Gilbert Gomez, et al.)) Case No.: 08-193)	
BIL	L OF COSTS	
Judgment having been entered in the above entitled action or		ntiff ,
the Clerk is requested to tax the following as costs:	Date -	
Fees of the Clerk	• • • • • • • • • • • • • • • • • • • •	.\$
Fees for service of summons and subpoena	• • • • • • • • • • • • • • • • • • • •	
Fees for printed or electronically recorded transcripts necessary	arily obtained for use in the case	2,480.90
Fees and disbursements for printing		
Fees for witnesses (itemize on page two)	•••••	0.00
Fees for exemplification and the costs of making copies of an necessarily obtained for use in the case.	•	373.93
Docket fees under 28 U.S.C. 1923		
Costs as shown on Mandate of Court of Appeals	• • • • • • • • • • • • • • • • • • • •	
Compensation of court-appointed experts		
Compensation of interpreters and costs of special interpretati	on services under 28 U.S.C. 1828	
Other costs (please itemize)	• • • • • • • • • • • • • • • • • • • •	
	TOTA1	L \$2,854.83
SPECIAL NOTE: Attach to your bill an itemization and doc	umentation for requested costs in all catego	ries.
j	Declaration	· · · · · ·
I declare under penalty of perjury that the foregoing services for which fees have been charged were actually and in the following manner: Electronic service Other:		
s/ Attorney:		
Name of Attorney: Norman Ray Giles		
For: Defendants Name of Claiming Part		te: 11/24/2010
Tax	ation of Cests	
Costs are taxed in the amount of	ar ar	nd included in the judgment.
Ву:		
Clerk of Court	Deputy Clerk	Date

AO 133 (Rev. 12/09) Bill of Costs

UNITED STATES DISTRICT COURT

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
	ATTEN	DANCE	SUBSIS	STENCE	MIL.	EAGE	Total Cost
NAME, CITY AND STATE OF RESIDENCE	Days	Total Cost	Days	Total Cost	Miles	Total Cost	Each Witness
					ign carea (a.c.) ignored ign	* : "	\$0.00
							\$0.00
							\$660 <i>6</i>
				٠			\$0.00
							\$0.00
					T	OTAL	\$0.00

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions: RULE 54(d)(1)

Costs Other than Attorneys' Fees.

Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day's notice. On motion served within the next 7 days, the court may review the clerk's action.

RULE 6

(d) Additional Time After Certain Kinds of Service.

When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

RULE 58(e)

Cost or Fee Awards:

Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

EMILY MILBURN, Individually and as	§	
Next friend of DYMOND LARAE	§	
MILBURN	§	
	§	
V.	§	CIVIL ACTION NO. 08-193
	§	
SERGEANT GILBERT GOMEZ (BADGE	§.	JURY DEMAND
#987), OFFICERS DAVID ROARK	§.	
(BADGE #332), JUSTIN POPOVICH	§	
(BADGE #336), and SEAN STEWART	§	
(BADGE #392)	§	

DEFENDANTS' BILL OF COSTS ITEMIZATION

The Defendants submit the following itemized costs which are recoverable under 28 U.S.C. § 1920. The costs claimed are allowed by law, correctly stated, were necessarily incurred in the case and the services for which fees have been charged were actually and necessarily performed.

1,	Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case		
	Deposition transcript of Emily Milburn	\$387.00	
	Deposition transcript of Wilfred Milburn, Jr.	\$343.50	
	Deposition transcript of Dymond Milburn	\$735.00	
	Deposition transcript of Terry Ritter	\$550.00	
	Transcript of court's scheduling conference	\$ 5.40	
	Transcript of Milburn criminal trial testimony	\$460.00	
	TOTAL:		\$2480.90
2.	Fees for exemplification and copies of papers necessarily obtained for use in the case		
	Subpoena for records of the Galveston Co. DA	\$147.12	
	UTMB records pertaining to Dymond Milburn	\$64.66	
	UTMB records pertaining to Dymond Milburn	\$162.15	
	TOTAL		\$373.93
TEAT	LAT COSTS		መው ውድን ወል

TOTAL COSTS: \$2,854.83

0807998.01 003856-000214:11/24/2010



Norman Giles Chamberlain, Hrdlicka, White, Williams & Martin 1200 Smith Street, Suite 1400 Houston, TX 77002

INVOICE

Invoice No.	Invokce Date	Job No.
56558	4/8/2009	52089
Job Date	Case	No.
3/26/2009	08-193	
	Case Name	
Milbum vs. Sgt. G	omez, et al.	
	Payment Terms	
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF: Emily Milburn		387.00
	TOTAL DUE >>>	\$387.00
	AFTER 5/8/2009 PAY	\$425.70
Reference No. : 3856-214		
Invoice prepared for: LERIXA LITIGATION SUPPORT		
I		
•		
		4
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Please detach bottom portion and return with payment.

Job No.

BU ID

: DALLAS

Case No.

: 08-193

: 52089

Case Name : Milburn vs. Sgt. Gomez, et al.

Invoice No. ; 56558

Invoice Date : 4/8/2009

Phone: 713-658-1818 Fax:713-658-2553

Total Due : \$ 387.00 AFTER 5/8/2009 PAY \$425.70

Remit To: Court Reporters Clearinghouse, Inc. 4545 Post Oak Place, Suite 350 Houston, TX 77027-3124

Chamberlain, Hrdlicka, White, Williams & Martin

Tax 10: 76-0537648

Norman Glies

Houston, TX 77002

1200 Smith Street, Suite 1400

PAYMENT WITH	CREDIT CARD	AMEX.	HEM ON	1754
Cardholder's Name:				
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INVOICE



Norman Giles Chambertain, Hrdlicka, White, Williams & Martin 1200 Smith Street, Suite 1400 Houston, TX 77002

Invoice No.	Involce Date	Job No.
56556	4/8/2009	52088
Job Date	Case	No.
3/26/2009	08-193	
	Case Name	
Milburn vs. Sgt. G	omez, et al.	
	Payment Terms	
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF: Wilfred Louis Milburn, Jr.		343.50
	TOTAL DUE >>>	\$343,50
	AFTER 5/8/2009 PAY	\$377.85
Reference No. : 3856-214		
Involce prepared for: LERIXA LITIGATION SUPPORT		
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Tax ID: 76-053/648

Phone: 713-658-1818 Fax:713-658-2553

Please detach bottom portion and return with payment.

Norman Giles

Chamberlain, Hrdlicka, White, Williams & Martin

1200 Smith Street, Suite 1400

Houston, TX 77002

: 52088 Job No.

BU JD

: DALLAS

; 08-193 Case No.

Case Name : Milburn vs. Sgt. Gomez, et al.

Invoice No. : 56556

Invoice Date :4/8/2009

Total Due : \$ 343.50 AFTER 5/8/2009 PAY \$377.85

Remit To: Court Reporters Clearinghouse, Inc. 4545 Post Oak Place, Suite 350 Houston, TX 77027-3124

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INVOICE



Norman Giles Chamberlain, Hrdlicka, White, Williams & Martin 1200 Smith Street, Suite 1400 Houston, TX 77002

Invoice No.	Invoice Date	.on dot
56554	4/8/2009	52087
Job Date	Case	No.
3/26/2009	08-193	
	Casa Name	
Milburn vs. Sgt. Go	omez, et al.	
	Payment Terms	
Due upon receipt	•	

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF: Dymond Larae Milburn		735.00
	TOTAL DUE >>> AFTER 5/8/2009 PAY	\$735.00 \$808.50
Reference No. : 3856-214		
Invoice prepared for: LERIXA LITIGATION SUPPORT		
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Tax ID: 76-0537648

Phone: 713-658-1818 Fax:713-658-2553

Please detach hottom portion and return with payment.

Norman Giles

Chambertain, Hydlicka, White, Williams & Martin 1200 Smith Street, Suite 1400

Houston, TX 77002

Job No. : 52087 BU ID

:DALLAS

: 08-193 Case No.

Case Name : Milburn vs. Sgt. Gomez, et al.

Invoice Date : 4/8/2009 Invoice No.: 56554

Total Due : \$ 735.00 AFTER 5/8/2009 PAY \$808.50

Remit To: Court Reporters Clearinghouse, Inc. 4545 Post Oak Place, Suite 350 Houston, TX 77027-3124

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Norman Giles Chambertain, Hidlicka, White, Williams & Martin 1200 Smith Street, Suite 1400 Houston, TX 77002

Remit To: Court Reporters Clearinghouse, Inc.

Houston, TX 77008

1225 North Loop West, Suite 327

INVOICE

Invoice No.	Invoice Date	Job No.					
60559	9/10/2009 55967						
Job Date	Job Date Case No.						
8/27/2009	09 08-193						
Case Name							
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Terry Ritter				_			550.00
				Ŧ	OTAL DUE >>	>	\$550.00
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eference No. : 3856-214							
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			Job No.	:	55967	BU ID	: DALLAS
orman Glies			Case No.	:	08-193		
namberlain, Hrdflicka, White, Williams & Martin 200 Smith Street, Suite 1400 ouston, TX 77002			Case Name	:	Milbum vs. Sgt.	Gomez, et al.	
OUGUSTI, 1.X. 77022			Invoice No.	:	60559	Invoice Date	: 9/10/2009
! 			Total Due AFTER 10/10		\$550.00 09 PAY \$605.00	ı	

PAYMENT WITH CREDIT CARD

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Amount to Charge: Cardholder's Signature: VESK

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS										
INVOICE NO: 20090079										
Norman Giles Chamberlain Hrdlicka Law Firm 1200 Smith Street Suite 1400 Houston, TX 77002 Phone: (713) 654-9635 dawn.garrard@chamberlainlaw.com						Edward United 515 Ru Suite 8 Housto Phone: Tax ID:	MAKE CHECKS PAYABLE TO: Edward Reed, CSR United States Court Reporter 515 Rusk Suite 8016 Houston, TX 77002 Phone: (713) 250-5594 Tax ID: 451-94-5163 EdReedCR@aol.com			
	MINAL	<u>x</u> (DATE O	ADERED:	10-26-2009			DELIVERED: 12-	01-2009
		••••		 v SGT. (SILBERT					
	Case Style: 3:08-CV-193, EMILY MILBURN v SGT. GILBERT GOMEZ, ET AL Transcript copy (email) of 12-12-08 Scheduling Conference Before Judge Sim Lake									
CATEGORY	(ORIGINA	L	1	ST COP	Υ	2ND C		Υ	TOTAL
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PÄGES	PRICE	SUBTOTAL	CHARGES
Ordinary		3.65		6	0.90	5.40		0.60		5.40
Expedited		4,85			0.90			0.60		
Daily		6.05			1.20			0.90		
Hourly		7.25			1.20			0.90		
Realtime										
Misc. Desc. MISC. CHARGES:										
	•		_						TOTAL:	5.40
	LESS DISCOUNT FOR LATE DELIVERY:									
	TAX (If Applicable):									
LESS AMOUNT OF DEPOSIT:										
	TOTAL REFUND:									
	TOTAL DUE: \$5.40							\$5.40		
ADDITIONAL INFORMATION Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within seven (7) calendar days, payment would be at the ordinary delivery rate.										
I certify that Judicial Confere	the trans	cript fees le United	charged a		CERTIFIC format		ly with th	e requir	ements of this	court and the
SIGNATURE								DÄT	tt 12-01-	-2009

Case 3:08-cv-00193 **Statements of PASCOUNI**SD on 11/24/10 Page 9 of 17

Cilent: 003856 - Texas Municipal League Intergovernmental Risk Pool

Matter: 000214 - Milburn, Emily v. Th

01/01/2001 - 04/01/2010 Time & Rate: Original Value

Costs and Expenses

	. Onc Expense	Originosis File	lie and positive
Description Description	\$167.00		\$0.00
09/18/2008 Automated research WESTLAW 09/23/2008 Galveston County Clerk - Filling fees for Plea in Intervention		\$55.00	\$55.00
09/23/2008 Galveston County Clerk - Filling fees for Plea in Intervention Total Costs/Expenses: 09/20	008 \$167.00	\$55.00	\$55.00
02/17/2009 Galveston County District Clerk - Fiting fees for copy of executed Order		\$1.00	\$1.00
02/17/2009 Galveston County District Clerk - Filing fees for copy of executed Order 02/17/2009 Stathakos, Stephanie - Transcript costs if criminal trial testimony of Milbums		\$460.00	\$460.00
02/26/2009 Federal Express - Delivery expense Terry Harms to Brent Nords, Galveston County Juvenile	0	\$8.64	\$8.64
Justice Total Costs/Expenses: 02/20	00.00	\$469.64	\$469.64
03/27/2009 Federal Express - Delivery expense JoAn Jordan to University of Texas Medical Branch,		\$7.57	\$7. 57
Galveston, Texas Total Costs/Expenses: 03/20	009 \$0.00	\$49.46	\$49.46
A (a) topic a train of the Managara and California of drawments - Dymond Milhim		\$64.66	\$64.66
04/01/2009 UTMB Health Information Management - Subpoenas of documents - Dymond Milburn 04/02/2009 Giles, Norman R Mileage (100) to attend Oral Hearing regarding Sistruck's Motion to Quas	sh	\$55.00	\$55.00
in the District Court in Galveston, Texas. Total Costs/Expenses: 04/20	00.00 \$0.00	\$119.66	\$119.66
Total Costs/Expenses: 05/20	00.00 \$0.00	\$39.72	\$39.72
06/01/2009 UTMB Health Information Management - Subpoenas of documents (Dymond Milburn)		\$162.15	\$162.15
06/01/2009 UTMB - Health Information Management - Subpoends of documents (Dymono Millourn) 06/02/2009 Federal Express - Delivery expense Terry Harms to Philip, UTMB - Health Information,		\$8.64	\$8.64
Galveston, TX.			
06/05/2009 Federal Express - Delivery expense UTMB - Health Information, Galveston, TX. to Norman Giles		\$14.38	\$14.38
Total Costs/Expenses: 06/20	009 \$0.00	\$185.17	\$185.17
08/27/2009 Giles, Norman R Mileage (105) to deposition of T. Ritter in Galveston, Texas		\$ 57.75	\$57.75
Total Costs/Expenses: 08/20	009 \$82.00	\$ 57.75	\$ 57.75
09/17/2009 Mach 5 Couriers, Inc Delivery expense Courtesy copy to Judge Hoyt		\$5,50	\$5.50
Total Costs/Expenses: 09/20	1009 \$40.00	\$5.50	\$5.50
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10/30/2009 Helfand, William S Filing fees for Interlocutory Appeal		\$455.00	\$455,00 \$455,00
Total Costs/Expenses: 10/20	:009 \$424.00	\$455.00	\$455.00
12/01/2009 Reed, CSR, Edward - Transcript costs of 12/12/2008 Schelduled Conference		\$5.40	\$5.40
Totals Costs/Expenses: 12/2	00.00	\$5.40	\$5.4 0
Totale doział Exheliada, 122			
Totals Costs/Expenses: 01/01/2001 - 04/01/20	2010 \$713.00	\$1,442.30	\$1,442.3

Case 3:08-cv-00193 Document 55 Filed in TXSD on 11/24/W Fage 10 of 17

Confidential Communications International, Ltd. 231 North Avenue West, #237 Westfield, NJ 07090

> Norman Ray Giles Chambertain, Hiddieka, White, Williams & Martin 1200 Smith Street, 14th Floor Houston, TX 77002-4310

236380	3/5/2009	Due Upon Receipt
24619.001		08-193
Emily Milburn vs.	Sergeant Gilbert	Gomez et al.
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PROCESS SERVER	Biruce Cain Chamberlain, Hrdlicka, White, Williams & Martin 1200 Smith Street, 14th Floor Houston, TX 77002-4310	Citient Matter No.: Claim No.: Insured: D/O/L:
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Tax **FD**: 58-1764331

Please detach bottom portion and return with payment.

Norman Ray Giles

Chamberlain, Hidlicka, White, Williams & Martin

1200 Smith Street, 14th Floor Houston, TX 77002-4310 Invoice No.

236380

Invoice Date

: 3/5/2009

Total Due

: \$ 147.12

Remit To: Confidential Communications International, Isti.

231 North Avenue West, #237

Westfield, NJ 07090

Order No.

: 24619.001

BU ID

: PROCESS

Case No.

: 08-193

Case Name

: Emily Milburn vs. Sergeant Gilbert Gornez et

al

University of Texas Medical Branch at Galveston April 1, 2009

ATTN BRUCE CAIN
CHAMBERLAINHRDLICKA ATTORNEYS
1200 SMITH STREET
SUITE 1400
HOUSTON TX 77002

FEES ARE DUE WITHIN 30 DAYS OF THE INVOICED DATE. PLEASE REMIT TO:

U.T.M.B.- H.I.M. 301 University Blvd. Galveston, Texas 77555-0782

1

INVOICE no: 0904-11 04/01/2009

PATIENT NAME		MR NUMBER			DISCHARGE DATE		ECEIVED ATE	AMOUNT CHARGED	BALANCE
MILBURN,	DAMOND	962201P				C	3/30/2009	64.66	64.66
	Basic fee		1	@	\$42.54	=	42.54		
	Cost per	page	7	@	\$1.43	=	10.01		
	Aff/Notar	y Fee	1	@	\$5.00	=	5.00		
	Aff/Prep.	Fee	1	@	\$1.00	=	1.00		
	Postage		1	@	\$6.11	=	6,11		
TOTAL								\$64.66	\$64.66

BILLING

Department of Medical Records. University of Texas Medical Branch at Galveston April 1, 2009

ATTN BRUCE CAIN CHAMBERLAINHROLICKA ATTORNEYS 1200 SMITH STREET SUITE 1400 HOUSTON TX 77002

RE:

962201P MILBURN, DYMOND

CHARGES: 64.66

PREPAYMENT REQUIRED (see attached invoice)

PLEASE RETURN YOUR ORIGINAL REQUEST DOCUMENTATION WITH THE PREPAYMENT TO THE FOLLOWING ADDRESS:

If you have any questions, please call 409-772-1965.

U.T.M.B. HEALTH INFORMATION MANAGEMENT RELEASE OF INFORMATION 301 University Blvd. GALVESTON, TX 77555-0782

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & MARTIN

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

NORMAN RAY GILES ATTORNEY AT LAW DIRECT DIAL NO. (713) 654-9672 ATTORNEYS AT LAW

HOUSTON, TEXAS 77002

HOUSTON ATLANTA PHILADELPHIA

(713) 658-1818 (800) 342-5829

(713) 658-2553 (FAX)

www.chambeilainlaw.com

June 2, 2009

Custo dian of Records
University of Texas Medical Branch
301 University Boulevard
Galveston, Texas 77555

RE:

No. 3:08-00193; Emily Milburn v. Sergeant Gomez, et al; In the United States

District Court for the Southern District of Texas, Galveston Division

To Whom It May Concern:

Please find enclosed this firm's check #049278 in the amount of \$162.15 in payment of invoice #0904-174. I have enclosed a return federal express envelope and charge slip for your convenience.

Should you have any questions concerning this matter, please contact me at 713-654-9674. Thank you for your assistance in this regard.

Sincerely yours,

Bruce Cain

Legal Assistant to Norman R. Giles

Harms, Terry

From: TrackingUpdates@fedex.com

Sent: Wednesday, June 03, 2009 9:39 AM

To: Harms, Terry

Subject: FedEx Shipment 796656691966 Delivered

This tracking update has been requested by:

Company Name:

Chamberlain Hrdlicka

Name:

Terry Harms

E-mail:

terry.harms@chamberlainlaw.com

Our records indicate that the following shipment has been delivered:

Reference:

3856.214 Milburn

Ship (P/U) date:

Jun 2, 2009

Delivery date:

Jun 3, 2009 9:18 AM

Sign for by:

A.DELAPAZ

Delivered to:

Shipping/Receiving

Service type:

FedEx Priority Overnight

Packaging type:

FedEx Envelope

Number of pieces:

Weight:

0.50 lb.

Special handling/Services:

Deliver Weekday

Tracking number:

796656691966

Shipper Information

Recipient Information

Terry Harms

Philip

Chamberlain Hrdlicka

UTMB - Health Information

1200 Smith; 14th Floor

Managemen

Houston

301 UNIVERSITY BLVD

TX

GALVESTON

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Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

EMILY MILBURN, Individually and as	§	
Next friend of DYMOND LARAE	§	
MILBURN	§	
	§	
y.	§	CIVIL ACTION NO. 08-193
	§	
SERGEANT GILBERT GOMEZ (BADGE	§	JURY DEMAND
#987), OFFICERS DAVID ROARK	§	
(BADGE #332), JUSTIN POPOVICH	§	
(BADGE #336), and SEAN STEWART	8	
(BADGE #392)	§ .	

AFFIDAVIT OF NORMAN GILES IN SUPPORT OF BILL OF COSTS

STATE OF TEXAS §
COUNTY OF HARRIS §

Before me, the undersigned Notary Public, appeared NORMAN GILES, who, after being duly sworn, made the following statements:

My name is NORMAN GILES. I am an attorney licensed to practice in the United States

District Court for the Southern District of Texas, and am employed with the law firm of

Chamberlain, Hrdlicka, White, Williams & Martin.

This affidavit is made to verify Defendants taxable costs.

This affidavit is attached as Exhibit "A" to an itemized Bill of Costs showing the amount of taxable costs, as provided by Rule 54(d)(1) of the Federal Rules of Civil Procedure.

FURTHER AFFIANT SAYETH NOT.

NORMAN GILES

SUBSCRIBED AND SWORN TO BEFORE ME on this day of November, 2010.

SARA L. WILSON

NOTARY PUBLIC. STATE OF TEXAS

MY COMMISSION EXPIRES

JULY 26, 2013

0807996.01 003856-000214:11/17/2010 NOTARY PUBLIC FOR THE STATE OF TEXAS